

REMARKS

An associate power of attorney to the undersigned is attached hereto. Please do not change the correspondence address for this application.

The amendments to claims 1 and 2 above were discussed with the Examiner by telephone and it was indicated that these amendments would be entered. On further consideration, it has been decided to refile this application in order to add additional dependent claims.

With regard to the papers filed October 15, 2004, those papers are hereby ratified.

The indication that claim 2 has been allowed is noted with appreciation. The amendment made above does not change the scope of claim 2 since claim 1 already recites the positive presence of glycerol.

The rejection of claim 1 under 35 USC 103 over Wasilewski or Blair is respectfully traversed.

The claimed invention is directed to a method for lithographic printing using a self-dampening lithographic ink composition which includes glycerol, a nonionic surfactant having an HLB of about 8-20 and about 20-50 weight % water. There is no need to employ additional water or dampening solutions when the method of the present invention is used for lithographic printing.

The Wasilewski reference relates to a printing ink composition but does not teach or suggest the use of a printing ink composition whose use does not require a dampening step. Quite to the contrary, Wasilewski requires dampening and is based on

a composition which has the advantage that the dampening solution can be tap water rather than the prior art dampening compositions. See, e.g., column 2, lines 9-20.

The Wasilewski composition is a combination of dispersion of a pigment and oil and in combination with a soap of a tall oil fatty acid. The soap can be made in situ and the Examiner has observed that by so doing, an amount of water which is about the same as the amount of soap ($\text{RCOOH} + \text{KOH} \rightarrow \text{RCOOK} + \text{H}_2\text{O}$) would be realized. However, the reference teaches that the amount of soap can be up to 5 weight % of the composition (column 2, lines 50-52), which means that the amount of water possible would be about 5 weight % based on the total weight of the composition. In contrast, the amount of water in the lithographic ink composition of the present invention is at least about 20 weight %. This is about 4 times the maximum theoretical content of water in Wasilewski. Nothing in Wasilewski teaches or suggest that increasing the amount of water, which would be in artifact in that composition in any event, would result in a composition which was self-dampening. There is nothing anywhere in the Wasilewski reference which teaches or suggest that the printing ink composition disclosed in that patent has self-dampening properties. The fact that the composition used in the method of the present invention has such properties is surprising and unexpected and clearly provides advantages relative to the reference. Accordingly, it is respectfully submitted that the foregoing establishes that claim 1 is patentable over this reference.

It is noted that the Office Action implies that evidence showing what the dampening properties of the Wasilewski composition could be submitted but it is respectfully submitted that it is not necessary. The reason is the implied invitation is based on a *sub silentio* assumption that one skilled in the art would recognize tha the composition disclosed was self-dampening but there is nothing in the reference teaches or suggest that the Wasilewski composition would have any self-dampening

properties, and in any event, the composition of the present claims is different from that of the patent.

Turning to the Blair reference, it is respectfully pointed out that the compositions of this reference can contain up to about 5% water maximum. Moreover, Blair explicitly points out that “water is not necessary and may be eliminated entirely.” See page 2, lines 91-92.

Blair’s composition containing less than 5% by weight water made up of an oily ink external phase and a substantially anhydrous polyhydric alcohol internal phase. The Examiner will note that Blair explicitly states that “no water is . . . desirable in the composition although a small of water, such as may be included with surfactant solutions, or absorbed from the atmosphere may be tolerated. In general, the amount of water, if present at all, is less than 5%.” Page 3, lines 57-63. Consistent with this disclosure, the Examiner will note that the internal phase of the composition constitutes up to 50% of the total weight and the surfactant constitutes either up to 3% or 6.8% of the total weight of the internal phase (although which figure is correct is not entirely clear). See page 3, lines 48-57. Assuming, *arguendo*, that the surfactant constitutes 6.8% of the internal phase and the internal phase is only up to half of the total weight of the composition, the amount of surfactant can be up to 3.4%. Since Blair explicitly teaches that water should not exceed a maximum of 5% of the composition, the use of a surfactant composition at a maximum concentration would be in line with this disclosure. Clearly, the use of a composition which contains about 4 times the maximum amount of water in Blair, which is in the first instance unnecessary and whose presence is also stated not to be desirable, is neither taught nor suggested.


The Office Action appears to suggest as to this reference also, the submission of evidence showing what the dampening properties of the Blair composition. It is

respectfully submitted that it is not necessary for the same reasons as noted above and in addition, the statement that water presence is not "desirable" (page 3, lines 57-63).

In light of all of the foregoing, it is respectfully submitted that this application is now in condition to be allowed and the early issuance of a Notice of Allowance is respectfully solicited.

Dated: June 14, 2005

Respectfully submitted,

By 

Edward A. Meilman

Registration No.: 24,735

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant



Docket No.: S9025.0059
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

C. J. Lee et al.

Application No.: 10/617,495

Group Art Unit: 1752

Filed: July 11, 2003

Examiner: H.V. Le

For: SELF DAMPENING INK COMPOSITIONS
AND METHOD FOR PRINTING
LITHOGRAPHIC INK USING SAME

ASSOCIATE POWER OF ATTORNEY

Commissioner for Patents
Washington, DC 20231

Dear Sir:

I hereby grant Edward A. Meilman, Registration No. 24,735, a partner, power of attorney to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected herewith.

Dated: June 2, 2005

Respectfully submitted,

By Sidney Persley
Sidney_Persley_
_ Registration_No.: 34,898
SUN_CHEMICAL_CORPORATION
222_Bridge_Plaza_South
Fort_Lee,_NJ_07024
(201)_2244600_
Attorneys_for_Applicant